

South Carolina State Law
Code of Laws of SC

Title 16, Chapter 23: Offenses Involving Weapons

Article 1. Pistols

16-23-10. Definitions. When used in this article:

(a) **"Pistol"** means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term **"dealer"** means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(c) The term **"crime of violence"** means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnaping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term **"fugitive from justice"** means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term **"subversive organization"** means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term **"conviction"** as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term **"Division"** shall mean the State Law Enforcement Division.

(h) The terms **"purchase"** or **"sell"** mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term **"person"** shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company. * * * *

16-23-20. Unlawful carrying of pistol; exceptions. It is unlawful for anyone to carry about the person any pistol, whether concealed or not, except as follows:

(1) Regular, salaried law enforcement officers and reserve police officers of a municipality or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officials of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives and private investigators.

(2) Members of the Armed Forces of the United States or of the National Guard, organized reserves, or the State Militia when on duty.

(3) Members of organizations authorized by law to purchase or receive firearms from the United States or this State, or regularly enrolled members of

clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members are at or going to or from their places of target practice or their shows and exhibits.

(4) Licensed hunters or fishermen while engaged in hunting or fishing or going to or from their places of hunting or fishing.

(5) Any person regularly engaged in the business of manufacturing, repairing, repossession, or dealing in firearms, or the agent or representative of this person while possessing, using, or carrying a pistol in the usual or ordinary course of business.

(6) Guards engaged in protection of property of the United States or any agency thereof.

(7) Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

(8) Any person in his home, or upon his real property, or fixed place of business.

(9) Any person in a vehicle where the pistol is secured in a closed glove compartment, closed console, or closed trunk.

(10) Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or a fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of his fixed place of business.

(11) Any prison guard while engaged in his official duties.

(12) Any person who is granted a permit under provision of law by the State Law Enforcement Division to carry a pistol about his person, under conditions set forth in the permit.

Persons authorized to carry weapons pursuant to items (6) and (12) of this section may exercise this privilege only after acquiring a permit from the State Law Enforcement Division as provided for in Article 4 of Chapter 31 of Title 23.

Publisher's Note:

There is no State law prohibiting a person who has been convicted of a crime of violence from possessing a rifle or shotgun; however, such person may not possess a pistol. 1974-75 Op Atty Gen, No. 3926, p 12.

16-23-30. Sale or delivery of pistol to and possession by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision

of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Article 3. Machineguns, Sawed-off Shotguns and Rifles

16-23-210. Definitions. When used in this article:

(a) "Machinegun" applies to and includes any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(b) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than eighteen inches in length.

(c) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(d) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed

ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) "Military firearm" means any military weapon, firearm, or destructive device, other than a machinegun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government.

16-23-220. Unlawful transportation of machinegun or sawed-off shotgun or rifle within state. It is unlawful for any person to transport from one place to another in this State or for any railroad company, express company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in Sections 16-23-250 and 23-31-330, a machinegun or firearm commonly known as a machinegun, military firearm, sawed-off shotgun or sawed-off rifle.

16-23-230. Unlawful storing, keeping, or possessing machinegun, military firearm, or sawed-off shotgun or rifle. It is unlawful for a person to store, keep, possess, or have in possession or permit another to store, keep, possess, or have in possession a machinegun or firearm commonly known as a machinegun, military firearm, sawed-off shotgun, sawed-off rifle, except as provided in Sections 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to § 16-23-260.

16-23-240. Unlawful sale, rental, or giving away of machinegun, military firearm, or sawed-off shotgun or rifle; exceptions. It is unlawful for a person to sell, rent, give away, or participate in any manner, directly or indirectly, in the sale, renting, giving away or otherwise disposing of a machinegun, or firearm commonly known as a machinegun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in Sections 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16-23-260.

16-23-250. Exceptions to application of article. The provisions of this article do not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machineguns, military firearms, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of these organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machinegun, or sawed-off shotgun or sawed-off rifle, may

possess machineguns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties, nor shall the provisions hereof be construed to apply to machineguns, or sawed-off shotguns, or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable. The provisions of this article do not apply to any manufacturer of machineguns or military firearms licensed pursuant to the provisions of 18 U.S.C. Section 921 et seq., nor to any common or contract carrier transporting or shipping any machinegun, or military firearm to or from the manufacturer if the transportation or shipment is not prohibited by federal law, nor to persons licensed pursuant to Section 23-31-370.

16-23-260. Penalties. A person violating the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or be imprisoned not more than ten years, or both.

16-23-270. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

16-23-280. Manufacture and sale of machineguns by licensed manufacturer. Notwithstanding the provisions of this article, machineguns or military firearms manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally manufactured, transported, possessed and sold within the State by the manufacturer thereof.

Article 5. Miscellaneous Offenses

16-23-480. Manufacture or possession of article designed to cause damage by fire or other means. It is unlawful for a person to manufacture, cause to be manufactured, or possess any object or article which is designed to cause damage by fire or any other means to person or property either by ignition, detonation, or other means. It is unlawful for a person to possess any object or article solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation, or other means. A person who violates the provision of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

16-23-520. Use, transportation, manufacture, possession, purchase, or sale of teflon-coated ammunition. It is unlawful for a person to use, transport, manufacture, possess, distribute, sell, or buy any ammunition or shells that are coated with polytetrafluoroethylene (teflon). A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both.

Title 23, Chapter 31: Firearms

Article 3. Regulation of Pistols

23-31-10. Definitions. When used in this article:

(a) "Pistol" means any firearm designed to expel a projectile and designed to

be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term "**dealer**" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(c) The term "**crime of violence**" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnaping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than a year.

(d) The term "**fugitive from justice**" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "**subversive organization**" means any group, committee, club, league, society, association, or combination of individuals the purpose of which or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "**conviction**" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term "**Division**" shall mean the State Law Enforcement Division.

(h) The term "**purchase**" or "**sell**" mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term "**person**" shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company.

23-31-130. Retail dealers shall be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

23-31-140. Completion and contents of application prior to purchase of pistol; further restrictions on purchase; persons on active military duty.

(A) Before the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the division must contain the applicant's

(1) name;

(2) residence and business address;

(3) date and place of birth;

(4) social security number;

(5) South Carolina driver's license number or Department of Public Safety identification card number or, in the case of an applicant on active duty in the United States military, the number from the applicant's current United States military identification card;

(6) physical description;

(7) fingerprint card and photograph of applicant if applicant does not have items (4) and (5);

(8) a signed sworn statement by the applicant that he is not within any classification set forth in § 16-23-30(a), (b), (c) or (d), and that he has not purchased a pistol within the previous thirty days;

(9) the signatures of applicant and the dealer;
(10) and such other personal identifying information as required by the division.

(B) No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

(C) No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period.

(D) The provisions of subsection (C) do not apply to

(1) a law enforcement agency provided that the conditions of subsection (E) are met,

(2) an agency duly authorized to perform law enforcement duties,

(3) county and municipal penal facilities and the State Department of Corrections,

(4) a private security company licensed to do or

(5) a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol upon his sworn affidavit to the chief of police, or his designated agent, of the municipality in which the applicant resides or if the applicant resides outside the corporate limits of a municipality, to the sheriff, or his designated agent, of the county in which the applicant resides citing these facts and reasons why he cannot wait for a thirty-day period to purchase a pistol. The special permit shall contain such information as required by the Division and shall be on a form furnished by the division. The issuing officer shall retain a copy of the permit and forward a copy to the Division. * * * *

(F) No person may purchase a pistol from a dealer unless he is a resident of this State. For the purpose of this article, the possession of a valid South Carolina driver's license or Department of Public Safety identification card constitutes proof of residency. However, residency is not required of a person who is on active duty in the United States military and who is in possession of a current United States military identification card.

(G) Upon proper completion of the application the dealer shall submit the original application to the Division, retain a copy for his records, and give a copy to the applicant upon his purchase of a pistol. The application to be submitted to the Division must be accompanied by a firearm transaction record properly completed by the purchaser and the dealer.

23-31-150. Issuance, duration * * * of retail dealer's license. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this article. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

(a) The license or a copy thereof, authenticated by the issuing authority, shall at all times and places of sale be available for inspection or displayed where it can easily be read.

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall any pistol be sold without clear evidence as to the iden-

tity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. A separate firearm transaction form shall be completed for each pistol sold, a copy of which must be submitted to the Division as provided in § 23-31-140. * * * *

(f) In order to insure compliance with the provisions of this article, dealers shall make available for inspection by the chief of the division or his agents, during normal business hours, all pistols in their possession and all records they are required to maintain by this article.

(g) Each applicant for a license shall furnish to the Division a current federal Firearms license and is required to maintain that Federal Firearms license in good standing as a condition of holding a retail dealer license issued under this section.

(h) A breach of any of the above conditions or violations of any provisions of this article by a dealer, or the giving of false information by a licensee on an application for purchase or transfer shall result in forfeiture of license, but the licensee is entitled reasonable notice and proper hearing in the circuit court of the county in which he is licensed.

Publisher's Note:

Dealer's license issued under authority of the South Carolina Pistol Act are not transferrable. 1975-76 Op Atty Gen, No. 4267, p 83.

23-31-170. Mortgage, deposit or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

23-31-180. Certain pistols declared to be contraband; forfeiture and destruction of such. No licensed retail dealer may hold, store, handle, sell, offer for sale, or otherwise possess in his place of business a pistol or other handgun which has a die-cast, metal alloy frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit. * * * *

23-31-210. Definitions. As used in this article:

(1) **"Resident"** means an individual who is a resident of South Carolina for at least twelve months preceding the date on which an application to carry a weapon is submitted under this section or military personnel on permanent change of station orders.

(2) **"Picture identification"** means:

(a) a valid South Carolina driver's license; or

(b) an official photographic identification card issued by the Department of Revenue and Taxation, a federal or state law enforcement agency, an agency of the United States Department of Defense, or United States Department of State.

(3) **"Proof of residence"** means a person's current address on the original or

certified copy of:

- (a) a valid South Carolina driver's license;
 - (b) an official identification card issued by the Department of Revenue and Taxation, a federal or state law enforcement agency, an agency of the United States Department of Defense, or United States Department of State;
 - (c) a voter registration card; or
 - (d) another document that SLED may determine that fulfills this requirement.
- (4) **"Proof of training"** means an original document or certified copy of document supplied by an applicant that certifies that he is either:
- (a) a person who, with three years before filing an application, has successfully completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must be a minimum of eight hours and must include, but not limited to:
 - (i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;
 - (ii) information on handgun use and safety;
 - (iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and
 - (iv) the actual firing of the handgun in the presence of the instructor;
 - (b) an instructor certified by the National Rifle Association or another SLED-approved competent national organization that promotes the safe use of handguns;
 - (c) a person who can demonstrate to the Director of SLED or his designee that he has a proficiency in both the use of handguns and state laws pertaining to handguns;
 - (d) an active duty police handgun instructor;
 - (e) a person who has a SLED-certified or approved competitive handgun shooting classification; or
 - (f) a member of the active or reserve military, or a member of the National Guard who has had handgun training in the previous three years. * * * *
- (5) **"Concealable weapon"** means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property.

23-31-215. Issuance of permits.

- (A) Notwithstanding any other provision of law, except subject to subsection (B) of this section, a permit to carry a concealable weapon must be issued by SLED to a resident who is at least twenty-one years of age and who is not prohibited by state law from possessing the weapon upon submission of:
- (1) a completed application signed by the person;
 - (2) three current one-inch by one-inch full face color photographs of the person;
 - (3) proof of residence;
 - (4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver's license;
 - (5) proof of training;

- (6) payment of fifty-dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officials; and
- (7) a complete set of fingerprints. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.
- (B) Upon submission of the items required by subsection (A) of this section SLED must conduct or facilitates local, state, and federal fingerprint review of the applicant. SLED must also conduct a background check of the, applicant through notification to and input from the sheriff of the county where the applicant resides. The sheriff must, within ten working days after notification by SLED, submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. The failure of the sheriff to submit a recommendation within the ten-day period constitutes a favorable recommendation for the issuance of the permit to the applicant. If the fingerprint review and background check are favorable, SLED must issue the permit.
- (C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise,, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 2331-210(4), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23-31-210(4)(a). The course shall cost fifty dollars. SLED shall use the proceeds to defray the training course's operating costs. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety-day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.
- (D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within thirty days from the date the denial notice is received. The chief shall issue a written decision within ten days from the date the appeal is received. An adverse decision shall specify the reasons for upholding the denial and may be reviewed by the administrative law judge division pursuant to Article 5, Chapter 23 of Title I upon a petition filed by an applicant within thirty days from the date of delivery of the division's decision.
- (E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:
- (1) name, including maiden name if applicable;
 - (2) date and place of birth;
 - (3) sex;
 - (4) race;
 - (5) height;
 - (6) weight;
 - (7) eye and hair color;
 - (8) current residence address; and
 - (9) all residence addresses for the three years preceding the application date.
- (F) The permit application form shall require the applicant to certify that:
- (1) he is not a person prohibited under state law from possessing a weapon;
 - (2) he understands the permit is revoked and must be surrendered immediately

to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon;

(3) he has either been a resident of this State for at least twelve months preceding the date of his application or he is military personnel on permanent change of station orders; and

(4) all information contained in his application is true and correct to the best of his knowledge.

(G) Medical personnel, law enforcement agencies, organizations offering handgun education courses pursuant to Section 23-31-210(4)(a), and their personnel, who in good faith provide information regarding a person's application, must be exempt from liability that may arise from issuance of a permit; provided, however, a weapons instructor must meet the requirements established in Section 23-31-210(4)(b), (c), (d), (e), or (f) in order to be exempt from liability under this subsection.

(H) A permit application must be submitted in person or by mail to SLED headquarters which shall verify the legibility and accuracy of the required documents.

(I) SLED must maintain a list of all permit holders and the current status of each permit. Upon request, SLED must release the list of permit holders or verify an individual's permit status. SLED may charge a fee not to exceed its costs in releasing the information under this subsection.

(J) A permit is valid statewide unless revoked because the person has:

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person is subsequently found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. A permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer

(1) identifies himself as a law enforcement officer and

(2) requests identification or a driver's license from a permit holder.

A permit holder must immediately report the loss or theft of a permit identification card to SLED headquarters, A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five-dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder's failure to notify SLED in accordance with this subsection constitutes a misde-

meanor punishable by a twenty-five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:

- (1) police, sheriff, or highway patrol station or any other law enforcement office or facility;
- (2) detention facility, prison, or jail or any other correctional facility or office;
- (3) courthouse or courtroom;
- (4) polling place on election days;
- (5) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (6) school or college athletic event not related to firearms;
- (7) day care facility or pre-school facility;
- (8) place where the carrying of firearms is prohibited by federal law;
- (9) church or other established religious sanctuary;
- (10) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.

A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained herein may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145.

(N) Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State. SLED shall make a determination as to those states which have permit issuance standards equal to or greater than the standards contained in this article and shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

(O) A permit issued pursuant to this article is not required for a person:

- (1) specified in Section 16-23-20, items (1) through (5) and items (7) through (11);
- (2) carrying a self-defense device generally considered to be nonlethal including the substance commonly referred to as "**pepper gas**";
- (3) carrying a concealable weapon in a manner not prohibited by law.

(P) A permit issued pursuant to this article is valid for four years. Subject to subsection (Q) of this section, SLED shall renew a permit upon:

- (1) payment of a fifty-dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;
- (2) submission of three current one-inch by one-inch full color photographs of the applicant; and
- (3) a complete set of fingerprints. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(Q) Upon submission of the items required by subsection (P) of this section, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. If the background check is favorable, SLED must renew

the permit.

(R) No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately prior to the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty or care.

Article 5. Use and Possession of Machineguns, Sawed-off Shotguns and Rifles

23-31-310. Definitions. When used in this article:

(a) **"Machinegun"** applies to and includes any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(b) **"Sawed-off shotgun"** means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than eighteen inches in length. * * * *

(d) **"Sawed-off rifle"** means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of twenty-six inches or a barrel or barrels of less than sixteen inches in length. * * * *

(f) **"Antique firearm"** means any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) **"Military firearm"** means any military weapon, firearm, or destructive device, other than a machinegun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government.

23-31-320. Exceptions to application of article. [The exceptions in the section are identical to those contained in Section 16-23-250, above.]

23-31-330. Application and registration of person allowed to possess machinegun or sawed-off shotgun or rifle.

(A) Every person permitted by Section 23-31-320 to possess a machinegun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles the person to possess a machinegun, or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law Enforcement Division on a blank to be supplied by the division

on request an application which is properly sworn. The application must be approved by the sheriff of the county in which the applicant resides or has his principal place of business and include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state, or otherwise, and where, if charged, and when it was disposed of. The applicant shall also give a description including the serial number and make of the machinegun or sawed-off shotgun or sawed-off rifle which he possesses or desires to possess. The State Law Enforcement Division shall file the application in its office. The division shall register the applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number, and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has the machinegun or sawed-off shotgun or sawed-off rifle in his possession. This registration must be made on the date application is received and filed with the division. The registration expires on December thirty-first of the year in which the license is issued.

(B) No permit or registration required by the provisions of this section is required where weapons are possessed by a governmental entity which has a significant public safety responsibility for the protection of life or property.

23-31-340. Penalties. A person who violates the provisions of this article is guilty of a misdemeanor and upon conviction, must be fined not more than ten thousand dollars or be imprisoned not more than ten years, or both.

23-31-350. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

23-31-360. Unregistered possession of machineguns or military firearms by licensed manufacturer. Machineguns or military firearms manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally possessed by the manufacturer without being registered with the State Law Enforcement Division. The manufacturing firm shall furnish to SLED the serial numbers of all machineguns or military firearms manufactured by it within thirty days of their manufacture and it is subject to the penalties provided in Section 23-31-340 for noncompliance.

23-31-370. Special limited license for possession, transportation, and sale of machineguns; violations and penalties.

(a) The South Carolina Law Enforcement Division may issue a special limited license for the possession, transportation, and sale of machineguns in this State to persons:

(1) who are authorized representatives of a machinegun manufacturer or dealer engaged in demonstrating and selling them to agencies authorized by law to possess them, or

(2) who are engaged in professional movie-making or providing services to professional movie-makers who use machineguns as regulated by this article in the course of creating movie "special effects" * * *.

23-31-510. Prohibition against regulation of certain matters. No governing body of any county, municipality, or other political subdivision in this State may enact or promulgate any regulation or ordinance which regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things.